

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America
v.
Dwayne Michael Schiavone

Case No. 3:20-mj-00076

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 1, 2020 to March 25, 2020 in the county of Marion in the

District of Oregon, the defendant(s) violated:

Code Section
18 USC 922

Offense Description
Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Affidavit of Special Agent Travis Taulbee, FBI.

☒ Continued on the attached sheet.

By phone

Complainant's signature

Special Agent Travis Taulbee, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 4:05 a.m./p.m. (p.m.)

Date: 04/02/2020

Stacie Beckerman

Judge's signature

City and state: Portland, Oregon

Hon. Stacie F. Beckerman, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF TRAVIS TAULBEE

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Travis Taulbee, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since January 2017. I am presently assigned to the Portland Division of the FBI, and specifically to the Salem Resident Agency. During my employment, I have investigated and have assisted others in investigating a range of federal crimes, including drug related offenses; felons in possession of a firearm; child pornography and bank robbery.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Dwayne SCHIAVONE for Felon in Possession of a Firearm in violation of 18 U.S.C. § 922. As set forth below, there is probable cause to believe, and I do believe, that SCHIAVONE committed the above listed offense.

Applicable Law

3. Title 18, United States Code, Section 922, Felon in Possession of a Firearm, provides that it is unlawful for any person who has previously been convicted of a crime punishable by imprisonment for a term exceeding one year to possess a firearm that has previously been shipped or transported in interstate or foreign commerce.

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Statement of Probable Cause

4. In the month of March 2020, Silverton Police Officer Jeff Charpiloz, informed Silverton Police Detective Noe Martinez that he had taken an initial report from a victim, after she was seen at Legacy Silverton Medical Center (Silverton Hospital) located in Marion County, Oregon. Officer Charpiloz seized multiple items of evidence collected by a Sexual Assault Nurse Examiner (SANE) nurse as part of a Sexual Assault Forensic Evidence Kit (SAFE Kit).

5. Officer Charpiloz also obtained copies of the medical records and a report from the SANE nurse. The report indicated that the victim reported being injected by heroin and methamphetamine by “Dwayne” (SCHIAVONE) who goes by the name “Chance.” The report indicated that SCHIAVONE sexually assaulted the victim by having vaginal intercourse and anal intercourse against her will. In the report the victim stated that she had fallen asleep at one point during the assault and woke up to SCHIAVONE still having sex with her. The victim reported that SCHIAVONE had “taped” the assault with a “Skype” camera. The victim advised that SCHIAVONE was in possession of a large bag containing guns and ammunition and that the assault had taken place at SCHIAVONE’s residence and described it being located near Central St. and Madison St. while also indicating that SCHIAVONE drives a silver colored Toyota Prius.

6. On March 20, 2020, Silverton Police Detective Martinez contacted the victim. The victim stated on March 18, 2020, she walked to “Chance’s” house on Central St. to try and “hustle him” for some money. SCHIAVONE had given the victim money many times in the past. According to the victim, SCHIAVONE mandates any female who visits him to undress while at his house. The witness stated that SCHIAVONE is a drug dealer who sells methamphetamine and heroin and a lot of drug users will exchange sex for drugs with him.

7. The victim described SCHIAVONE's house as a multi-story house. Detective Martinez showed the victim a Google Maps Street View of the area she described. The victim identified the residence located on Central St. in Silverton, Marion County, Oregon as SCHIAVONE's residence. The victim said told Detective Martinez that SCHIAVONE has a bedroom upstairs next to what she described as a living room area where SCHIAVONE has a web camera in the bedroom which he uses to record sex acts that take place. The victim continued to describe her sexual assault to Detective Martinez, including how SCHIAVONE injected her with a mixture of methamphetamine and heroin and then took the victim to his bedroom and "raped" her. The victim clarified that the word "raped" meant SCHIAVONE had vaginal and anal intercourse with her. The victim recounted that during the assault SCHIAVONE injected her again with drugs which caused her to become unconscious. The victim remembered waking up to SCHIAVONE having anal sex with her.

8. The victim told Detective Martinez that SCHIAVONE keeps heroin and methamphetamine on his person, inside his residence and in his vehicle, and that SCHIAVONE has a large duffle bag full of large guns with ammunition. The victim stated that SCHIAVONE also had a black handgun that he recently obtained and often kept on his person or in the glove box of his vehicles.

9. Detective Martinez ran a criminal history check on SCHIAVONE and learned that he was a convicted felon with a prior conviction for Unlawful Delivery of Heroin. Detective Martinez conducted a records search and learned that SCHIAVONE drives a silver colored 2008 Toyota Prius bearing Oregon plate 057LYV, which is registered to his mother. Detective Martinez also found that SCHIAVONE owns a black colored Kia Sorento bearing Oregon plate 015LSB, which is usually parked at the residence on the north side of the property.

10. The victim showed Detective Martinez a screenshot of a Facebook message from SCHIAVONE sent to her on January 22, 2020, in which he asks, “who wants b or w?” The victim responds by saying she is looking for some “white” and mentions having spent her money on a “bowl.” SCHIAVONE responds, “I gotcha covered.” From my training and experience, I know that “b” is referring to “black,” which is a common slang word for heroin and the “w” is referring to “white,” a common slang word for methamphetamine.

11. On March 24, 2020, Detective Martinez applied for and obtained Search Warrants in the Circuit Court of the State of Oregon for Marion County, signed by Circuit Court Judge Cheryl A. Pellegrini, for SCHIAVONE’ person, his residence (in Silverton, Oregon), his 2008 Toyota Prius (057LYV), and his Kia Sorrento (015LSB), to find evidence related to the crimes of Rape in the First Degree (ORS 163.375), Sodomy in the First degree (ORS 163.405), Unlawful Delivery of Heroin (ORS 475.850), Unlawful Possession of Heroin (ORS 475.854), Unlawful Delivery of Methamphetamine (ORS 475.890), Unlawful Possession of Methamphetamine (ORS 475.894) and Possession of Weapons by Certain Felons (ORS 166.270).

12. On March 25, 2020, Silverton Police Department served the search warrants listed above. During the search, a loaded Rock Island Arms 1911 9mm handgun (serial# RIA1534430) with a medium sized bag full of 9mm ammunition, and a sword, were found in SCHIAVONE’s upstairs foyer area. During the search and after being read his *Miranda* Rights by Silverton Police Officer Finnegan, SCHIAVONE told Detective Martinez that the 9mm pistol and the sword that was found were his. Of interest, Officers also found ammunition of various calibers in the residence and the vehicles and approximately 10 pounds of marijuana, 134 grams of a substance that tested presumptive positive for psilocybin mushrooms, a measurable quantity of substance that tested presumptive positive for methamphetamine, and a measurable quantity of

substance that tested presumptive positive for heroin. Subsequently, SCHIAVONE was arrested for the crimes of Rape 1, Sodomy 1, Sex Abuse 1, DCS Heroin, DCS Meth, DCS Psilocybin, PCS Marijuana over 2 lbs., Felon in Possession of a Firearm, and Felon in Possession of a Restricted Weapon. SCHIAVONE was transported to the Marion County jail where he was booked on all charges.

13. On March 26, 2020, Detective Martinez conducted a follow up interview with the victim, in which the victim spoke about a shop-like garage. The victim described the location as an unattached garage shop building located on the right side of the property with the residence on the left side of the property. The victim drew a diagram of the property, which matched that of a location on Eureka Ave, Silverton, Oregon. The victim told Detective Martinez that inside the shop, SCHIAVONE has a room on the right side of the building which she referred to as “his office.” SCHIAVONE had taken the victim to his office to use drugs about three to four different times, with the last time being about a month ago. The victim described the room as a small office room with blankets on the floor which are used as bedding, a small propane heater, what she described as a small quantity of drugs, and syringe needles throughout. The victim said that SCHIAVONE kept a “few” guns inside the room which she described as possibly rifles or shotguns, further describing them as black with “wood” pieces (stock) on them.

14. On March 27, 2020, Detective Martinez listened to a recorded phone call made the same day from the Marion County Correctional Facility where SCHIAVONE was being held in custody. SCHIAVONE called his mother, and during the conversation asked her if the police had searched her property. SCHIAVONE’s mother sounded confused while telling SCHIAVONE they did not and asked why they would do so. SCHIAVONE responded, “I don’t know,” and went on to say police search everything. Based on this conversation, Detective

Martinez believed SCHIAVONE had access to the shop and was aware of the property inside unbeknownst to his mother.

15. On March 28, 2020, Detective Martinez applied for and was granted a search warrant, in the Circuit Court of the State of Oregon for Marion County, signed by Circuit Court Judge Cheryl A. Pellegrini, to search a shop garage building located on Eureka Ave., Silverton, Oregon. After serving a copy of the warrant to SCHIAVONE's mother (the property owner of Eureka Ave, Silverton, Oregon), Detective Martinez asked SCHIAVONE's mother if SCHIAVONE went to the shop a lot, and she said SCHIAVONE did, adding that he was her "handy man." Detective Martinez asked if SCHIAVONE had his own key for the shop and she told Detective Martinez he did.

16. As Officers began the search, Silverton PD Sergeant Reeder was approached by one of SCHIAVONE's mother's neighbors, who advised that he had seen two vehicles on the property the day before, taking things out of the shop and loading them into the vehicles. The neighbor advised he had cameras that captured the event on video and was willing to provide the video to Silverton PD. During the execution of the search warrant, Officers found and seized ammunition of various rifle calibers including .22 caliber, .223 caliber, 7.62 caliber, and 7mm. Officers also seized over thirty-seven 12-gauge shotgun shells and what appeared to be a sawed off portion of a 12-gauge shotgun barrel.

17. After the search, Detective Martinez made contact with the neighbor who allowed officers to view the video from his surveillance system. The video showed a black hummer SUV and a blue/silver colored sedan parked on the property with multiple persons, including SCHIAVONE's mother, loading property into the vehicles from the shop. The timestamp on the video during this movement began around 10:43 a.m. on March 27, 2020. The neighbor advised

he did not change the time for daylight savings so the timestamp shown on video was an hour behind. The neighbor's spouse advised she saw one of the persons carrying what appeared to be a rifle. The timing of the property being moved out of the shed occurred after the jail call between SCHIAVONE and his mother.

18. Detective Martinez was talking with SCHIAVONE's mother after the search and asked if anyone had been in the shop in the last few days. SCHIAVONE's mother said that her granddaughter and the granddaughter's brother-in-law had grabbed some tools to help her clean up the house on Central St, Silverton, Oregon. SCHIAVONE's mother claimed she didn't know what was taken from the shop and claimed she stayed inside the entire time they were there. Detective Martinez explained that bullets were found in the office room and there was evidence that items had been removed from the room. Detective Martinez asked SCHIAVONE's mother what was taken from the room and she said they probably did take things. When Detective Martinez asked SCHIAVONE's mother why they would take things out of the room, SCHIAVONE's mother explained it was probably to "protect" SCHIAVONE, and they didn't want the police to come there and find anything. After Detective Martinez explained to SCHIAVONE's mother that SCHIAVONE's mother and her granddaughter were seen taking things out of the shop yesterday morning, SCHIAVONE's mother told Detective Martinez that her granddaughter took some rifles that SCHIAVONE had. SCHIAVONE's mother did not know if some of the rifles belonged to her deceased husband or if some of them might have been from a storage unit. SCHIAVONE's mother offered to call her granddaughter and have her granddaughter bring the guns back.

19. When SCHIAVONE's mother called her granddaughter and advised her to bring the guns back, SCHIAVONE's mother allowed Detective Martinez to speak to her

granddaughter. During the conversation, the granddaughter told Detective Martinez she intended to call the State Police to find out if the guns were stolen. The granddaughter told Detective Martinez she would bring the guns back and turn them in at the police department. In the evening of March 28, 2020, the granddaughter arrived at the Silverton Police Department in a black Hummer SUV. The granddaughter brought all of the property she said she had taken from the shop. These items that the granddaughter brought were seized by Detective Martinez and included: a Ruger 77 Mark II 7mm rifle, a Remington .22 caliber rifle, a Gustav .22 caliber rifle, a Wolf .50 caliber muzzleloader rifle, a Harrington and Richardson 10-gauge shotgun (without a stock), a black powder derringer pistol and (2) .22 caliber rifle barrels. I know these firearms to have been manufactured outside the state of Oregon. In addition, Detective Martinez seized over thirty 7mm bullets, a box containing a small amount of 7.62 mm bullets as well as components for .50 caliber bullets and a bag with over fifty rounds of 9mm bullets with ground bullet tips.

20. I reviewed SCHIAVONE's criminal history and know that he was previously convicted of the felony of Unlawful Delivery of Heroin (ORS 475.850) in Marion County Circuit Court (Case Number 11C41948) and was sentenced to 25 months in prison, and thereby prohibited from possessing a firearm.

Conclusion

21. Based on the foregoing, I have probable cause to believe, and I do believe, that Dwayne SCHIAVONE committed Felon in Possession of a Firearm in violation 18 U.S.C. § 922, and I therefore request that the Court issue a criminal complaint and arrest warrant for Dwayne SCHIAVONE.

22. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Ashley Cadotte.

AUSA Cadotte advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By Phone

TRAVIS TAULBEE
Special Agent
Federal Bureau of Investigations

Sworn in accordance with the requirements of FED. R. CRIM. P. 4.1 by telephone at 4:05 p.m. on April 2, 2020.



HONORABLE STACIE F. BECKERMAN
United States Magistrate Judge